

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

SHELDON W. MOHR,

Plaintiff(s),

vs.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant(s).

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Case No. 2:04CV90 JCH  
(MLM)

**ORDER**

This matter is before the Court on Defendant's Motion to Reverse and Remand, filed April 25, 2005. Pursuant to 28 U.S.C. § 636, the Court referred this matter to United States Magistrate Judge Mary Ann L. Medler, who issued a Report and Recommendation on April 28, 2005. Magistrate Judge Medler recommends that the Court grant Defendant's Motion to Reverse and Remand. Magistrate Judge Medler further recommends that the Court reverse and remand this matter to the Commissioner for further development of the record, pursuant to Sentence Four of 42 U.S.C. § 405(g). Neither party has filed objections or otherwise responded to the Report and Recommendation.

After review of the entire record in this matter, the Court concurs in the Magistrate Judge's findings, and will adopt the Report and Recommendation. Accordingly, the Court will grant Defendant's Motion to Remand, and reverse and remand this matter to the Commissioner for further administrative proceedings. Specifically, the Administrative Law Judge will be directed to (1) consider properly Plaintiff's impairments at step two of the sequential evaluation process; and (2) evaluate properly the credibility of Plaintiff's subjective complaints under 20 C.F.R. §§ 404.1529(c)

and 416.929(c), Social Security Ruling (SSR) 96-7p and Polaski v. Heckler, 739 F.2d 1320 (8<sup>th</sup> Cir. 1984).

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the Magistrate Judge (Doc. No. 15) is adopted and incorporated herein.

**IT IS FURTHER ORDERED** that Defendant's Motion to Reverse and Remand (Doc. No. 14) is **GRANTED**.

**IT IS FURTHER ORDERED** that, pursuant to Sentence Four of 42 U.S.C. § 405(g), this matter is reversed and remanded to the Commissioner for further proceedings consistent with the Magistrate Judge's Report and Recommendation and with this Order. A separate Order of Remand shall accompany this Order.

Dated this 11th day of May, 2005.

/s/ Jean C. Hamilon  
UNITED STATES DISTRICT JUDGE